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16 *Cross-Defendant*
A.V.E.L.A., INC.,
17 and *Defendant* LEO VALENCIA

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19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA
21 WESTERN DIVISION

22
23 THE RICHARD AVEDON
FOUNDATION,

24 Plaintiff,

25 vs.

26 FOREVER 21, INC.; et al.,

27 Defendants.
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Case No. CV-13-09408-MMM (FFMx)

**[PROPOSED] ORDER RE
PERMANENT INJUNCTION AND
DISMISSAL WITH PREJUDICE OF
CLAIMS**

1 AND RELATED CROSS-ACTIONS.
2

3 The Court, having considered Plaintiff's and Defendants A.V.E.L.A., Inc.'s,
4 and Leo Valencia's Stipulation to Permanent Injunction and Dismissal With
5 Prejudice of All Unjudicated Claims, and finding good cause therefor,

6 **IT IS HEREBY ORDERED** that Defendants A.V.E.L.A., Inc., and Leo
7 Valencia, and all those acting under their direction or control or acting in concert
8 with them, including without limitation officers, directors, employees, agents,
9 successors, licensees, representatives and assigns, are permanently enjoined from:

10 1. Engaging in any reproduction of the Foundation's copyrighted
11 photograph, "Dovima with Elephants" (identified in U.S. Copyright Registration
12 Nos. B: 552815 and RE: 194-009), including, but not limited to:

- 13 a. producing, or causing to be produced, T-shirts bearing "Dovima
14 with Elephants" or any image substantially similar thereto;
15 b. producing, or causing to be produced, other merchandise
16 bearing "Dovima with Elephants" or any image substantially
17 similar thereto;

18 2. Engaging in any distribution of the Foundation's copyrighted
19 photograph, "Dovima with Elephants," including, but not limited to:

- 20 a. selling, or causing to be sold, T-shirts bearing "Dovima with
21 Elephants" or any image substantially similar thereto;
22 b. selling, or causing to be sold, other merchandise bearing
23 "Dovima with Elephants" or any image substantially similar
24 thereto;

25 3. Engaging in any public display of the Foundation's copyrighted
26 photograph, "Dovima with Elephants," including, but not limited to:

- 27 a. displaying on the internet and/or in in-store displays, or causing
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1 to be displayed on the internet and/or in in-store displays,
2 images of T-shirts bearing “Dovima with Elephants” or any
3 image substantially similar thereto; and

4 b. displaying on the internet and/or in in-store displays, or causing
5 to be displayed on the internet and/or in in-store displays,
6 images of other merchandise bearing “Dovima with Elephants”
7 or any image substantially similar thereto.

8 **IT IS FURTHER ORDERED** that the Court shall retain jurisdiction to
9 enforce the permanent injunction entered herein, that all other claims asserted by
10 the Plaintiff against said Defendants are dismissed with prejudice, and that the
11 Plaintiff, on the one hand, and A.V.E.L.A., Inc., and Leo Valencia, on the other
12 hand, shall not recover from each other fees and costs incurred in this action.

13 **IT IS SO ORDERED.**

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17 Dated: January 7, 2015



MARGARET M. MORROW
UNITED STATES DISTRICT JUDGE